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CALFED Bay-Delta Program
Attention: Rick Breitenbach
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Comments on Draft Programatic EIS/EIR

Comment No. 1 - The Environmental Documents are Deficient with Respect to Water Flow Information.

Mother nature provides the Bay-Delta system a finite supply of water. The agricultural, urban/industrial, and ecosystem demands compete for this finite supply. With respect to "baseline" conditions, the documents adequately depict the apportionment of the water (refer to the "water balance" figures on pages 20 and 21 of the Revised Phase II Report). With respect to the 4 alternatives, the CalFed documents fail to provide information for the reader to determine apportionment, or even changes from the baseline. There are no equivalent "water balance" figures for each of the alternatives, or even anything close. This is very basic information and essential for the informed evaluation of the alternatives. Both CEQA and NEPA mandate that the pertinent attributes of the alternatives be adequately described in the environmental documents. **Without the water balance information, the environmental documents are fatally flawed and noncompliant with CEQA and NEPA. CalFed needs to revise the environmental documents to include this information and conduct another public comment period.**

As an additional note, I tried diligently to obtain this information from Cal-Fed staff, but was unsuccessful. My efforts included inquiries during the Q&A sessions of the public meetings, as well as email correspondence with the CalFed staff (Valerie Holcomb).

Comment No. 2 - The Environmental Documents are Deficient with Respect to the Development of Alternatives.

As stated in the Framework Agreement, the agreement that created CalFed, and restated in the Draft Programatic EIS/EIR, the Program is charged with developing a long-term solution to the following (1) fish and wildlife problems in the Bay-Delta, (2) water supply reliability problems

in the Bay-Delta, (3) flood control problems in the Bay-Delta, and (4) water quality problems in the Bay-Delta.

The Draft Programatic EIS/EIR has presented alternatives, all of which call for maintaining or increasing water exports from the Bay-Delta. In so doing, the Draft Programatic EIS/EIR has missed the obvious and simple alternative. That being just the opposite; to significantly decrease water exports from the Bay-Delta. CEQA and NEPA mandate consideration of a reasonable breadth and scope of alternatives, but the draft EIS/EIR has failed its mandate. **Without an alternative for significantly decreased exports, the environmental documents are fatally flawed and noncompliant with CEQA and NEPA. CalFed needs to develop this alternative, revise the environmental documents accordingly, and conduct another public comment period.**

As I'm sure you all are aware, inclusion of an alternative for significantly decreased water export does not mean it needs to be the preferred alternative. However, exclusion of such an alternative does mean that the EIS/EIR has failed its legal mandate.

Significantly decreased water exports from the Bay-Delta, resulting in significantly increased flows through the Bay-Delta, will directly satisfy 3 of the 4 stated objectives.

First, significantly increased flows through the Bay-Delta will solve a multitude of fish and wildlife problems. After all, it has been our water exports from the Bay-Delta that have primarily caused the fish and wildlife problems.

Secondly, although it may not be apparent on first inspection, it is nonetheless true that significantly decreased water exports will actually increase the reliability of water supply. As a licensed civil engineer in the State of California with more than 20 years' experience, I can unequivocally state that low-volume water export systems are inherently more reliable than high-volume water export systems. A simple examination of the probability density function for Bay-Delta flows leads one to conclude that lower-volume exports can be provided more reliably than higher-volume exports. As well, in the context of conveyance systems (pumps, piping, canals, etc), it is an undeniable fact that large systems are more complex and unreliable when compared to small systems. Perhaps the CalFed Program has misinterpreted the primary objective with respect to water supply - the program has inadvertently assumed that water supply from the Bay-Delta needs to be increased when in fact the reliability of water supply from the Bay-Delta needs to be increased. The distinction is not a matter of semantics. If the framers of the CalFed Program wanted to increase water exports from the Bay-Delta, they would have so stated. In fact, they did not.

Thirdly, significantly increased flows through the Bay-Delta will result in better water quality. Although dilution is not the solution to pollution, its benefits are generally undeniable.

The last objective, regarding flood control, is not directly mitigated by significantly decreased exports. However, none of the existing alternatives substantially address flood control problems via water export because water export is not an issue during flood conditions. Simply put, all alternatives must rely upon other Program aspects to address this objective. The other aspects

include levee raising and strengthening, floodplain restoration, storage, and watershed management.

Comment No. 3 - The Environmental Documents are Deficient Because Only New/Expanded Dams and Export Facilities are Considered.

The current fish, wildlife, and water quality problems have been substantially caused by dams and export facilities. It is logical to expect that substantial fish, wildlife, and water quality benefit will be derived by strategically removing/reducing selected dams and export facilities. Likewise, it is logical to expect new/expanded dams and export facilities will continue the legacy of fish, wildlife, and water quality degradation. Conversely, it is illogical to expect that new/expanded dams and export facilities will benefit fish, wildlife, and water quality. However, all 4 alternatives call for new/expanded dams and export facilities. **CalFed has assembled a set of alternatives that contain reservoir storage and export features that are in direct conflict with the fish, wildlife, and water quality goals. In addition to the 4 existing alternatives that call for increased reservoir storage and export, CalFed needs to develop an alternative that provides decreased reservoir storage and export, along with an alternative that provides current levels of reservoir storage and export, revise the environmental documents accordingly, and conduct another public comment period.**

Comment No. 4 - CalFed Priorities Should be Aligned More Toward the Ecosystem as Opposed to Agriculture/Urban/Industrial Interests.

CalFed is faced with the unenviable task of balancing the competing needs of the ecosystem, agricultural community, and urban/industrial community. **In all matters where CalFed must prioritize or exercise value judgements regarding these competing needs, CalFed should do so to the benefit of the ecosystem, even if the result is to the detriment of the agricultural and urban/industrial communities.**

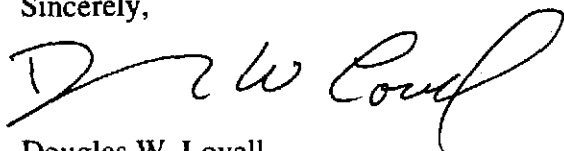
Most of the win-win alternatives for management of the Bay-Delta resources have already been exercised and the ecosystem still has not been satisfactorily restored. To reach the CalFed restoration goals, some priorities must be set and value judgements made that will necessarily result in short-term economic hardship to the agricultural and urban/industrial communities.

I look forward to carrying my fair share of the hardship. I want to pay higher prices for my California agricultural products, prices that reflect the true, unsubsidized cost of water, along with the costs to treat toxic agricultural drainage. I want to pay higher prices for my urban water consumption, prices that reflect the true, unsubsidized cost of water. I want to pay additional taxes so that marginal farmland can be retired and I want to pay additional taxes so that the displaced farmers, ranchers, and their employees can be retrained to take advantage of lucrative jobs in other market segments. Even though I'm a fishing guide in the Delta, I look forward to seeing critical habitat areas designated as no trespassing. Like millions of Californians, I'm more than willing to make personal sacrifices for the benefit of the Bay-Delta ecosystem.

Comment No. 5 – I Support the Positions Taken by the Environmental Water Caucus and its Member Organizations

I want to add my voice to the millions of Californians represented by the Environmental Water Caucus and its member organizations. I support and echo the comments of the Environmental Water Caucus and its member organizations.

Sincerely,

A handwritten signature in black ink, appearing to read "D W Lovell". The signature is fluid and cursive, with the first letter "D" being large and stylized.

Douglas W. Lovell

cc: Governor Gray Davis